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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NATIONAL FEDERATION OF THE
BLIND, et al.,

Plaintiffs,

v.

UNITED AIRLINES, INC.,

Defendant.

Case No.: C-10-4816 WHA

**STATUS REPORT SUBMITTED BY
THE UNITED STATES**

The United States respectfully files this status report concerning the Court's request regarding a Statement of Interest.

1. Defendant United Airlines, Inc. seeks to dismiss the claims of Plaintiffs, the National Federation of the Blind, et al., that it is violating California's Unruh Civil Rights Act and Disabled Persons Act by failing to provide automated kiosks that are accessible to blind passengers in California airports. Defendant contends, among other things, that the Air Carrier Access Act, 49 U.S.C. § 41705, and the Airline Deregulation Act, 49 U.S.C. § 41713, preempt Plaintiffs' claims. Dkt. #25.

Status Report Submitted by
the United States
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1 2. On February 7, 2011, and in response to Defendant's motion and Plaintiffs' opposition
 2 to the motion, this Court requested that the United States submit its views on the preemption issues
 3 raised by the parties by March 24 or apprise the Court of how long it would take the agency to
 4 respond. Dkt. #38.

5 3. The United States is actively considering the Court's request. The question of federal
 6 preemption under the relevant statutes raises significant issues that require further consideration by
 7 the Executive Branch before a final decision can be made about the United States' potential
 8 participation in this matter. The United States expects to complete its review within 30 days, or by
 9 April 21, 2011, and intends to advise the Court of its position by that date. The United States
 10 appreciates the Court's consideration and patience.

11
 12 Date: March 22, 2011

Respectfully submitted,

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16 /s/ Nathan M. Swinton
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